

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

STACEY HIGHTOWER,

Plaintiff

v.

CITY OF BOSTON, et al.,

Defendants.

CIVIL ACTION NO: 08-11955-PBS

**PARTIES' JOINT STATEMENT**

Pursuant to this Court's Notice of Scheduling Conference and Fed.R.Civ.P. 16(b) and 26(f), the parties in the above-captioned action hereby file this Joint Statement.

A. Agenda of Matters to be Discussed

1. Rule 19 Required Joinder of Parties  
Plaintiff does not believe any parties need be joined.

B. Joint Discovery Plan

Plaintiff does not believe any discovery is necessary but will cooperate with any discovery requests made by Defendant.

Plaintiff also does not believe expert testimony is relevant to any issue in this case, as the facts are not expected to be in dispute and the case raise pure issues of law.

In light of the proposed phased discovery plan, and the prospects of an early resolution of this case, the parties do not propose any discovery schedule at this time.

Limitations on Discovery

The parties do not anticipate that the number of depositions will exceed the allowable limit of ten (10) depositions as provided by Local Rule 26.1(C). Should such relief from the discovery limits set forth in L.R. 26.1 be required, the parties will confer and will file a stipulation and proposed order or motion with this Court.

Phased Discovery

The parties propose that discovery be stayed pending the Court's decision on the forthcoming summary judgment motions. The parties believe the case is likely to be resolved without the need for discovery. However, in the event that the Court denies both motions, the parties would suggest formulating a discovery schedule for any necessary discovery.

C. Proposed Schedule for Filing of Motions

The parties propose filing cross-motions for summary judgment on November 2, 2009, with oppositions to said motions to be filed by November 23, 2009.

D. Trial by Magistrate Judge

The parties have conferred for the purpose of considering whether they will consent to trial by magistrate judge. At this time, the parties are unable to jointly consent to a trial by a magistrate judge.

Respectfully submitted:

DEFENDANTS CITY OF BOSTON  
and EDWARD DAVIS

By their attorneys:

/s/ Mary Jo Harris

Mary Jo Harris (BBO #561484)  
MORGAN, BROWN & JOY, LLP  
200 State Street  
11th Floor  
Boston, MA 02109  
(617) 788-5011  
[mharris@morganbrown.com](mailto:mharris@morganbrown.com)

PLAINTIFF,  
STACEY HIGHTOWER

By her attorneys:

s/ Chester Darling

Chester Darling (BBO #114320)  
P.O. Box 550  
Andover, MA 01810  
978.475.2520/Fax 978.470.2219

/s/ Alan Gura

Alan Gura  
Gura & Possessky, PLLC  
101 N. Columbus Street, Suite 405  
Alexandria, VA 22314  
703.835.9085/Fax 703.997.7665  
[alan@gurapossessky.com](mailto:alan@gurapossessky.com)

Dated: July 17, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served upon all counsel of record this date – July 17, 2009 – by filing with the ECF system.

/s/ Mary Jo Harris

Mary Jo Harris